

E-015/GR-94-001 ORDER EXTENDING THE TIME PERIOD FOR ISSUING FINAL ORDER
IN RATE CASE

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Don Storm
Tom Burton
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Cynthia A. Kitlinski
Dee Knaak

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of the Application of Minnesota
Power for Authority to Change its Schedule of
Rates for Retail Electric Service in the State of
Minnesota

ISSUE DATE: October 5, 1994

DOCKET NO. E-015/GR-94-001

ORDER EXTENDING THE TIME PERIOD
FOR ISSUING FINAL ORDER IN RATE
CASE

PROCEDURAL HISTORY

On January 3, 1994, Minnesota Power filed a general rate case, Docket No. E-015/GR-94-001. The statutory deadline for the Commission's final determination in this case is November 3, 1994.

On August 15, 1994, Minnesota Power filed a motion to reopen the record in the case to file additional evidence to include the impact of National Steel Company's reopening.

On August 30, 1994, the Administrative Law Judge assigned to the case issued an Order Reopening Record and Extending Period for Suspension of Rates.

On September 9, 1994, MP filed a Stipulation for Order Reopening the Record in the rate case.

On September 20, 1994, the Administrative Law Judge (ALJ) filed his report rather than on September 6, 1994 as was anticipated prior to MP's motion to reopen.

Parties are entitled to file exceptions to the ALJ's report pursuant to Minn. Rules, Part 7829.2700, subp. 2 through October 5, 1994.

As a result of these delays, the Commission rescheduled briefings in the MP case for October 20, oral argument for October 21, and deliberations for October 26 and 27.

On September 27, 1994, the Commission met to consider this matter.

FINDINGS AND CONCLUSIONS

The Commission is authorized to delay issuance of a final determination in a rate case 20 working days when deadlines for previously filed cases fall within a narrow time band. Minn. Stat. § 216B.16, subd. 2(b) (1992).

The Commission finds that the current situation warrants such an extension. The statutory deadline for the Commission's final determination in a previously filed rate case, Minnegasco's rate case (Docket No. G-008/GR-93-1090) is *October 24, 1994*, only 11 days before the current deadline in the MP rate case, *November 3, 1994*.

Given the delays (for good cause) encountered in the MP case, the time period between rate case deadlines is too short. The Commission has had to schedule deliberations in the Minnesota Power case on October 26 and 27. This leaves only three weeks to generate the financial impacts of the Commission's decisions, to draft and review the order, and to issue the order. Past experience indicates that this is not sufficient.

The Commission is aware that an extension lengthens the period during which the applicant's proposed rates are suspended and does not do so lightly. A brief extension of the deadline in the MP case to provide adequate time for the Commission's customary high level of attention to matters of this magnitude, however, does not unduly burden the Company. Given the magnitude of this matter and the public interest at stake, the extension is required.

ORDER

1. The suspension period in Minnesota Power Company's (MP's or the Company's) rate case and, accordingly, the deadline for issuing a final order in the Company's general rate case is extended 20 working days from the date of the final determination in the Minnegasco rate case, Docket No. G-008/GR-93-1090.
2. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar
Executive Secretary

(S E A L)